

Produce Safety Rule FAQ – questions heard from New York farms

1. ***Is my farm covered by the Rule?*** Farms with produce sales over \$25,000 would be subject to the Produce Safety Rule (PSR). Farms may claim a “qualified exemption”, “rarely consumed raw exemption” or “processing exemption” if certain requirements of the Rule are met.
2. ***When will farm inspections begin?*** Depending on the size of the farm, compliance dates are January 26th 2018, January 26th 2019 or January 26th 2020. However, we will not begin inspections prior to Spring 2019. In the meantime, we will use our resources to conduct education & outreach.
3. ***How often will my farm be inspected?*** We expect most large farms to be inspected annually, smaller farms may be inspected less frequently.
4. ***What is a qualified exemption?*** You may be eligible for a qualified exemption if:
 - Most of your farm’s **food** sales are to qualified end users (the consumer of the food, a retail store, or restaurant within 275 miles or within the same state.
AND
 - Average annual **food** sales are less than \$500,000
5. ***Is selling to the Hannaford Distribution center the same as selling to a local store?*** Yes, Hannaford Distribution is considered the same as a retail store. In contrast, C&S Wholesale is a distributor not a retail store. A food hub or co-op that buys produce for distribution is a business not a retail store.
6. ***Why does the FDA care about my farm’s produce sales?*** The FDA and NYS Department of Agriculture and Markets (NYSDAM) will use sales data to determine farm size. Farm size determines coverage under the PSR and compliance date for each farm.
7. ***Are my maple syrup and hay operations covered under the rule?*** No, however maple products and hay (all human and animal food) are considered food for the purposes of determining average annual food sales. A maple syrup operation may be subject to other state or federal rules. (This NY farm produces maple syrup in VT and sells it at the NY farm.)
8. ***How can I comply with the FDA water requirements when there are no 1603 method labs near my farm?*** The FDA has allowed eight additional methods of water analysis and will also delay the water requirement implementation dates an additional two years (four-year total delay).

9. ***Why does the Rule not specify an application interval for raw manure application?*** The FDA has initiated a 5-10 year study to collect data on soil amendments of animal origin. This science based data will be considered when updating the application interval requirements for both treated and untreated soil amendments of animal origin. Many farms are using the National Organic Program recommended raw manure application intervals. The NOP recommends applications be at least 90 days before harvest for crops that have edible portions which **do not** come in contact with the soil and at least 120 days before harvest of crops that have edible portions which **do** come in contact with the soil.
10. ***Do I have to register my farm with NYSDAM?*** At this time, NYSDAM is not registering or licensing farms. Our voluntary farm data collection is being conducted so that we may determine which farms are covered by the Rule and which are exempt. We will use this data to plan outreach, education and compliance activities.
11. ***What documentation is required if I am using manure as fertilizer?*** For BSAAO purchased from a dealer, documentation must show that a validated process was applied to the purchased soil amendments. For BSAAO processed on the farm, records must document what process controls were achieved (time, temperature, turnings).
12. ***Is there a copy of the PSR inspection checklist available?*** This inspection tool is still being developed by the FDA and NASDA.
13. ***Will my farm receive a certificate after the PSR inspection is completed?*** We plan to issue a “Notice of Inspection” as currently used in the Division of Food Safety and Inspection.
14. ***Is a USDA GAP or Harmonized Produce GAP Audit still needed after a PSR inspection?*** (or vice versa) The PSR is mandatory for covered farms. Farms that sell produce to certain customers may be asked to undergo a third-party food safety audit. We hope the alignment of Harmonized GAP and the PSR will reduce the audit/ inspection burden for farms.
15. ***What is the On-Farm Readiness Review?*** An On-Farm Readiness Review will take an educational approach by physically walking the farm and its associated cleaning, sorting, packing, and storage facilities to understand what it will take to become compliant with the Produce Safety Rule. This review is voluntary and will be available during the 2019 growing season. Contact the Produce Safety Unit at (518) 457-3846 to sign up for this free, non-regulatory, educational tool.

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